

REMARKS

In accordance with the foregoing, Claims 1 and 11 have been amended. After entry of the claim amendments, Claims 1-11 will remain pending and under examination. No new matter is being presented, and approval of the existing and amended claims is requested.

Rejections under 35 U.S.C. §103(a)

Claims 1-3, 5-7, and 10-11 stand rejected as being unpatentable over Tagawa (US Pat. No. 6,947,728 B2) in view of APA (Admitted Prior Art). Claims 8 and 9 stand rejected as being unpatentable over Tagawa in view of Nariai (US Pat. Pub. No. 2002/0082059 A1). Claim 4 stands rejected as being unpatentable over Tagawa in view of Nariai, and further in view of Yoshinaga (US Pat. No. 7,096,045 B2). The rejections are respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited references.

As amended herein, the mobile phone recited in claim 1 is characterized, in part, in that: (a) when the timer is reset to the initial state, the timer starts to measure the predetermined time period; and (b) the non-telephone function stop unit stops the execution of the non-telephone function at the elapse of the predetermined time period from the execution of the predetermined operation relating to the telephone function.

According to exemplary embodiments, the foregoing features can provide the following advantageous effect: during the predetermined time, counted by the timer from when the predetermined operation relating to the telephone function is executed, the non-telephone function (which is different from the telephone function) can be executed. The non-telephone function may be stopped at the elapse of the predetermined time.

In contrast, Tagawa discloses as follows:

"The control unit 103 counts the time elapsed from the point when the ring tone starts reproducing, determines whether the

communication unit 108 gives notice of starting communication before the said counted elapsed time goes beyond a predetermined time, thereby determining whether or not a user responded to a call within a predetermined time (S811) (Column 16, Lines 18-25);

"Thereby, the reproduction sound volume of music data v is faded out from $v1$ to 0 during the time of $t1 \leq t \leq t2$ as shown in a full line LA1, and at the same time, the sound volume of ring tone is faded in from 0 to $v3$ during the time of $t1 \leq t \leq t2$ as shown in FIG. 13B (Column 19, Lines 2-7)";

"resuming reproduction at the position rewound for a specified time of seconds from the position of stopping reproduction" (Column 13, Lines 30-34)"; and

"in order to run back for a specified value, it is necessary in reproduction to store addresses per second, for example, in a RAM from the beginning of the file and calculate an appropriate address at which reproduction is resumed based thereon." (Column 14, Lines 4-8)

Therefore, according to Tagawa, in the case of resuming the reproduction of music data at a point turned back for a predetermined number of seconds from a point where the reproduction is stopped, a timer is unnecessary. As a result, a reset of a timer is also unnecessary and does not occur.

Additionally, Tagawa does not disclose or suggest the foregoing features of amended claim 1. That is, Tagawa does not teach or suggest that when the timer is reset to the initial state, the timer starts to measure the predetermined time period, and the non-telephone function stop unit stops the execution of the non-telephone function at the elapse of the predetermined time period from the execution of the predetermined operation relating to the telephone function, as recited in amended claim 1.

Moreover, the cited portions of APA discloses as follows:

"Therefore, as for functions not required to be performed on a steady basis--such as a backlight for LCD display and lighting for illuminated ten keys, a timer is activated immediately after execution of a function resulting from change in the LCD display by the user or operation on the ten keys, for example.

Subsequently, the function is automatically terminated after the elapse of a predetermined time period ranging from several seconds to several tens of seconds." (p. 1, lines 18-26, of the present specification)

However, APA does not teach or suggest that when the timer is reset to the initial state, the timer starts to measure the predetermined time period, and the non-telephone function stop unit stops the execution of the non-telephone function at the elapse of the predetermined time period from the execution of the predetermined operation relating to the telephone function, as recited in amended claim 1.

Therefore, it is respectfully submitted that independent claim 1 patentably distinguishes over the cited references, alone or in combination. Further, amended independent claim 11 recited features substantially similar to those described above with respect to claim 1, and is submitted to be allowable for at least the foregoing reasons. The pending dependent claims inherit the patentability of independent claim 1, and should be similarly allowable.

Dependent claims 8 and 9 inherit the patentability of independent claim 1, and should be allowable for at least the foregoing reasons.

Further, Nariai discloses "[i]n a first preferred embodiment, the controller performs control so that the reproduction of the data is stopped after a lapse of an arbitrary preset time from the start of the reproduction of the data" (Paragraph [0015]).

However, Nariai does not disclose or suggest the features of amended claim 1 described above, and is not cited as doing so.

Dependent claim 4 inherits the patentability of independent claim 1, and should be allowable for at least the foregoing reasons

Further, Yoshinaga discloses as follows:

"Here, it is assumed that the control section 3 can always grasp a no-operation time of the inputting section 8 by the user while the

portable telephone set is in an unfolded state. In particular, the unfolded/folded state detection section 7 always monitors an unfolded/folded state of the portable telephone set and immediately notifies the control section 3 if an unfolding or folding operation is performed. The control section 3 recognizes unfolding or folding of the portable telephone set based on the notification of the unfolded/folded state detection section 7. In this instance, if unfolding of the portable telephone set is recognized, then the control section 3 starts measurement of time from that point of time. Thereafter, if an operation of the user is performed through the inputting section 8, then the measurement time is reset every time and the measurement is re-started from the beginning. The control section 3 forms time measurement means. Further, the time measurement is performed only while the portable telephone set remains unfolded, but the time measurement function is stopped at the point of time when the portable telephone set is folded." (Column 7, Lines 35-55); and

"On the other hand, if a call is terminated at the portable telephone set while the body of the portable telephone set is unfolded, then the annunciation method determination section 6 detects no-operation time of the user measured by the control section 3 and discriminates whether or not the elapsed no-operation time is 30 seconds or more (step 204). If the elapsed non-operation time is 30 seconds or more, then the annunciation method determination section 6 determines that the annunciation method B (with the singing, annunciation sound volume 1, annunciation pattern β , and annunciation time of 3 seconds) is used to perform annunciation and gives a reply of the determined contents to the control section 3 (step 205). Then, the control section 3 controls the annunciation section 10 to perform a termination annunciation operation using the annunciation method B (step 207). On the other hand, if the discrimination in step 204 indicates that the elapsed non-operation time is less than 30 seconds, then the annunciation method determination section 6 determines that the annunciation method C (with the vibration or emission of light, and annunciation time of 1 second) is used to perform annunciation and gives a reply of the determined contents to the control section 3 (step 206). Then, the control section 3 similarly controls the annunciation section 10 to perform termination annunciation operation using the annunciation method C (step 207)." (Column 8, Lines 31-55)

However, Yoshinaga does not disclose or suggest the features of amended claim 1 described above, and is not cited as doing so.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542005000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

Electronic signature: /Michael Stanley/
Michael Stanley

Registration No.: 58,523
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 314-7795